

Doc. # 5520
ADOPTED 8/19/92

COMMONWEALTH OF MASSACHUSETTS

Suffolk ss.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of taking dated _____ relating to portions of the SOUTH END URBAN RENEWAL AREA, MASS. R-56, be executed and made a permanent part of these proceedings, copies of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Francis X. O'Brien

James K. Flaherty
Consuelo Gonzales Thomas

A true copy

ATTEST:

Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, and Order of Taking, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof;

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, s. 40; and

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself an area in fee simple and a permanent non-exclusive easement, by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including any trees, buildings and other structures standing upon or affixed thereto and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

RFC12/9aa

AND FURTHER ORDERED that in accordance with the provision of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner of owners and all other persons, including all mortgagees of record, having any and all interest in the parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award (awarded in ANNEX B) at all times prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

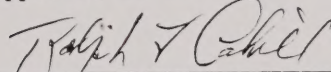
IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: BOSTON REDEVELOPMENT AUTHORITY
By:

ATTEST:

Secretary of the Boston Redevelopment Authority

Approved as to form:



Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcel of land is taken by this Order of Taking:

A vacant parcel of land on Albany Street in the South End Urban Renewal Area, containing approximately sixteen thousand six hundred sixty (16,660) square feet, shown as Parcel A on a plan entitled, "Massachusetts Medical Examiner Facility," dated May 12, 1992, prepared by TISE Architects, Inc., which plan is recorded herewith.

Also taken herewith is a permanent non-exclusive easement for vehicular ingress and egress over in and through that area now or to be known as East Concord Street Extension, abutting the Easterly sideline of Parcel A from Albany Street to the Southeasterly limit of Parcel A and shown as Parcel B on the above-mentioned plan recorded herewith.

The Supposed Owners of the above parcel is the City of Boston and University Associates Limited Partnership.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

The award for the vacant parcel of land on Albany Street, shown as Parcel A shown on a plan referred to in Exhibit A is One Dollar (\$1.00).

The award for the easement known as Parcel B shown on a plan referred to in Exhibit A is One Dollar (\$1.00).

SUBJECT: MEDICAL EXAMINER BUILDING PROJECT IN THE SOUTH END URBAN RENEWAL AREA. PROJECT MASS 936. ADOPTION OF ORDER OF TAKING FOR A PORTION OF LAND OWNED BY THE CITY OF BOSTON IN THE SOUTH END URBAN RENEWAL AREA.

SUMMARY: The Commonwealth requires that with respect to the Proposed Medical Examiner Building, which is the "Proposed Project", the Boston Redevelopment Authority (BRA) adopt an Order of Taking for a portion of land (the "Parcel") presently owned by the City of Boston (the "City") in the South End Urban Renewal Area. Adoption of the Order of Taking is necessary to acquire the parcel in the Public in the Commonwealth of Massachusetts for development of the Proposed Project.

INTRODUCTION

The Commonwealth of Massachusetts and "Commonwealth" through its Division of Capital Planning and Operations, seeks to construct a new facility for the Criminal Examiner in a portion of land (the "Parcel") currently owned by the City of Boston. The Parcel, identified as "Parcel A" is shown on the attached Exhibit A, is approximately 12,000 square feet in area and is bounded by Albany Street, the Harbor Cruise Property and the South End Elevated Street Railroad. Parcel A has a lot area of 70' at the rear on Albany Street, a lot area of at least 250' and a lot area of at least 70'. The lot is presently owned by the Police Dept. of Boston City Hospital.

PROJECT DESCRIPTION

The Commonwealth's proposed development of a new Medical Examiner Building requires the construction of a facility of approximately 27,000 square feet. The construction of such a facility will permit the relocation of the Medical Examiner's activities in eastern Massachusetts, replacing the existing facilities in the City of Boston on the Boston City Hospital campus. The new facility will consist of the following:

RFC14/YYY

MEMORANDUM

AUGUST 19, 1992

TO: BOSTON REDEVELOPMENT AUTHORITY AND
THEODORE S. CHANDLER, ACTING DIRECTOR

FROM: GERARD KAVANAUGH, ASSISTANT DIRECTOR FOR
INSTITUTIONAL PLANNING AND DEVELOPMENT
WILLIAM MCCARTHY, SPECIAL ASSISTANT
RICHARD MULLIGAN, PROJECT COORDINATOR

SUBJECT: MEDICAL EXAMINER BUILDING PROJECT IN THE SOUTH END URBAN
RENEWAL AREA, PROJECT MASS. R-56: ADOPTION OF ORDER OF
TAKING FOR A PORTION OF LAND OWNED BY THE CITY OF BOSTON
IN THE SOUTH END URBAN RENEWAL AREA

SUMMARY: This memorandum requests that, with regard to the Proposed Medical Examiner Building Project (the "Proposed Project"), the Boston Redevelopment Authority (the "BRA") adopt an Order of Taking for a parcel of land (the "Parcel") currently owned by the City of Boston (the "City") in the South End Urban Renewal Area. Adoption of the Order of Taking is requested to facilitate the transfer of the Parcel to the Commonwealth of Massachusetts for development of the Proposed Project.

INTRODUCTION

The Commonwealth of Massachusetts (the "Commonwealth"), through its Division of Capital Planning and Operations, seeks to construct a new facility for the Chief Medical Examiner on a parcel of land (the "Parcel") currently owned by the City of Boston. The Parcel, identified as "Parcel A" (as shown on the attached Exhibit A), is approximately 16,660 square feet in area and is bounded by Albany Street, the Roxbury Canal Property and the future East Concord Street extension. Parcel A has at least 70' of frontage on Albany Street, side lot lines of at least 238' and a rear lot line of at least 70'. The site is proximate to the Power Plant for Boston City Hospital.

PROJECT DESCRIPTION

The Commonwealth's proposed development of a new Medical Examiner Building involves the construction of a three-story, 27,000 square foot structure. The construction of such a facility will permit the consolidation of the Medical Examiner's activities in eastern Massachusetts, replacing the existing facilities in the Mallory Building on the Boston City Hospital campus. The program elements of the new facility will consist of the following:

- Public lobby
- Administrative offices
- Identification room
- Autopsy suites
- Refrigerated storage
- X-ray room
- Van and hearse loading bays
- Support space.

In addition to acquisition of the Parcel for the construction of the new Medical Examiner Building, the Commonwealth seeks three easements in connection with the development of the Proposed Project: (1) a non-exclusive easement to the site through the future East Concord Street extension (land now under the control of SETSA) ("Parcel B" on attached Exhibit A) ; (2) a non-exclusive easement to the site from the Roxbury Canal property ("Parcel C" on attached Exhibit A); and (3) a non-exclusive, non-site-specific easement to Massachusetts Avenue ("D" on attached Exhibit A). Parcels B and C are currently owned by the Commonwealth and easements will be required only if those parcels are conveyed to the city of Boston.

BRA ACQUISITION AND DISPOSITION OF THE PROPERTY

As noted above, the parcel of land on which the Proposed Project would be sited is currently owned by the City of Boston. In connection with the development of the Proposed Project, the Commonwealth has requested that the BRA: (1) acquire the Parcel from the City by exercise of the BRA's Power of Eminent Domain; and (2) subsequently transfer the acquired parcel to the Commonwealth.

In a separate memorandum of this date, the BRA is requested to tentatively designate the Commonwealth as developer of the Parcel. Following a final designation of the Commonwealth as developer, the BRA's transfer of the Parcel to the Commonwealth would occur pursuant to terms and conditions specified in a Land Disposition Agreement to be negotiated and executed by and between the BRA and the Commonwealth. As a transfer of property from one public agency (BRA) to another public agency (Commonwealth), the requirements of M.G.L. Chapter 30B would be satisfied.

With respect to the taking, the City, the BRA and the Commonwealth are agreed that no taking of the City Parcel will occur unless and until HUD, HHS and the Bond Trustee (as such terms are defined in the bond documents for the revenue bond for the new Inpatient Care Facility at Boston City Hospital) have released the HUD mortgage currently encumbering a portion of the City Parcel or have determined that no such release is required. Accordingly, it is recommended that the requested Order of Taking be adopted, but not recorded and held in escrow until such release or determination has occurred.

COMMUNITY REVIEW

To date, the Commonwealth and the City have held preliminary discussions with members of the Worcester Square Neighborhood Association and other groups and individuals from the surrounding neighborhood. The Commonwealth is committed to conducting a community process through which further community input will be facilitated. The Commonwealth is also committed to working with the BRA on design review aspects of the Proposed Project. The Proposed Project has the support of University Hospital, Boston University Medical School and Boston City Hospital.

Appropriate votes follow:

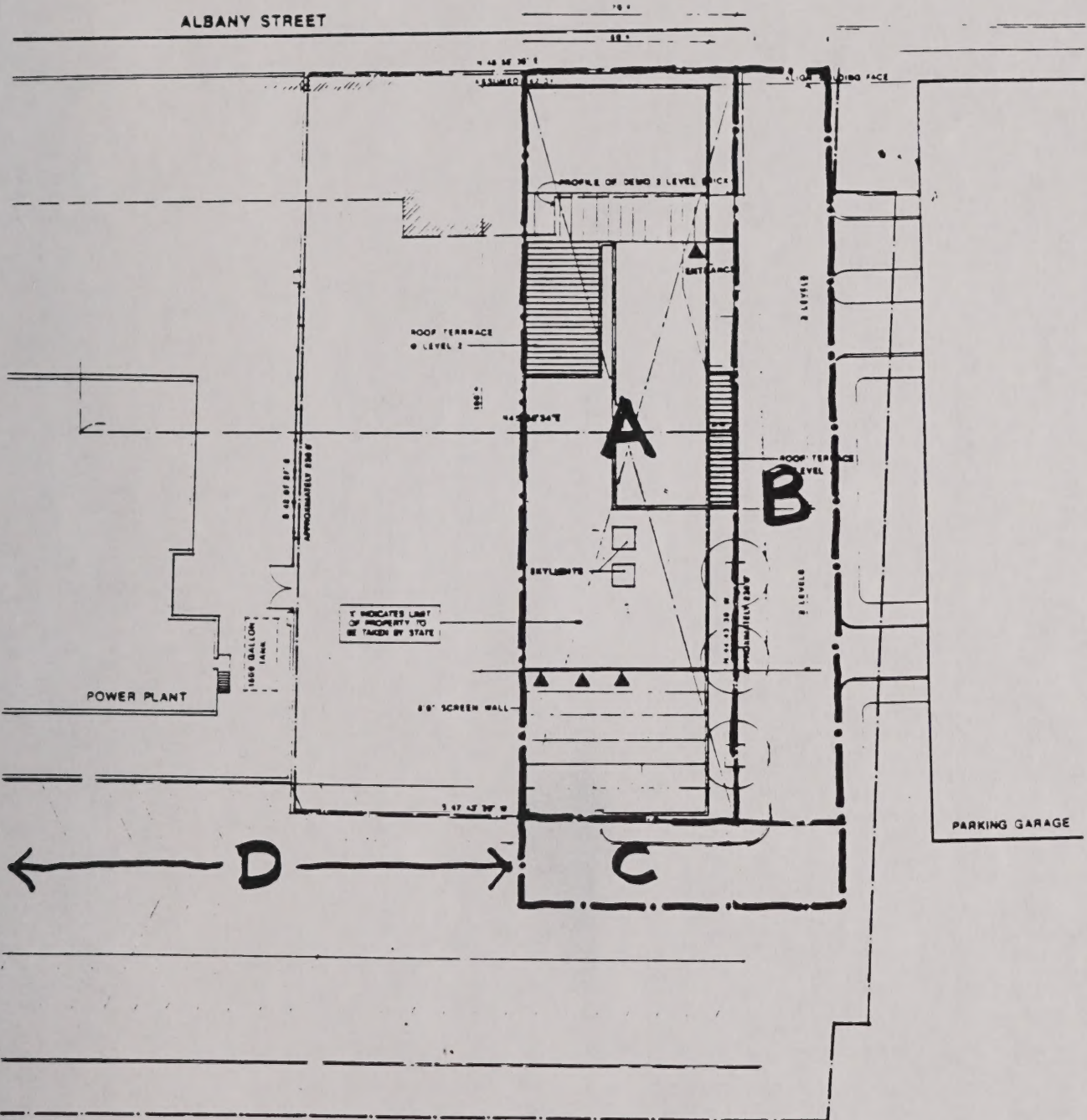
VOTED: That the Boston Redevelopment Authority ("BRA") adopt an Order of Taking for: (1) the parcel of land (the "Parcel") currently owned by the City of Boston in the South End Urban Renewal Area consisting of Parcel A; and (2) a non-exclusive easement through Parcel B, both as shown on the plan entitled: "Massachusetts Medical Examiner Facility: Site Plan prepared by TISE Architects, Inc., a copy of which is attached hereto as Exhibit A (the "Land Acquisition Plan"); and further

VOTED: That such Order of Taking shall be held in escrow and not recorded in the Suffolk Registry of Deeds after their adoption by the BRA until such time as the mortgage currently encumbering a portion of said Parcel A as security for the revenue bond for the new Inpatient Care Facility at Boston City Hospital shall have been released or it shall have been determined that no such release is required; provided that if such Orders of Taking have not been recorded on or before the thirtieth (30th) day after the adoption thereof, the BRA shall adopt new Orders of Taking in the same form but updated to such thirtieth (30th) day, which shall replace those then held in escrow, and the same process shall be implemented every thirty (30) days to ensure the validity of said Orders of Taking under M.G.L. Chapter 79, Section 3 at the time when they are released from escrow and recorded in accordance herewith.

E. CONCORD STREET

ALBANY STREET

PROPOSED PROPERTY LINE

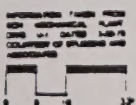


BASIC BUILDING PROGRAM

OPTION A

LEVEL 1	11,500 SF
LEVEL 2	10,000 SF
LEVEL 3	5,600 SF
TOTAL GFA	27,100 SF

ATTACHMENT 'B'



SITE PLAN PRELIMINARY		MASSACHUSETTS MEDICAL EXAMINER FACILITY BOSTON, MASSACHUSETTS		DATE: 8/19/93 BY: [Signature]	PROJECT: [Blank] DESIGN: [Blank] CONSTRUCTION: [Blank]	11511
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